



#6/Election
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LW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

HARRIS

Serial No.: 09/683,891

Filed: February 27, 2002

Atty. File No.: 41961-00220

For: "PNEUMATIC CONTROL
SYSTEM FOR A WATER
CANNON"

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Art Unit: 3752
)
) Examiner: Davis D. Hwu
)
) Confirmation No.: 7801
)

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TECHNOLOGY CENTER R3700

REPLY TO RESTRICTION
REQUIREMENT

<p align="center">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, ALEXANDRIA, VA 22313 ON <u>Jan. 6, 2004</u></p> <p align="right">HOLLAND & HART LLP</p> <p>BY: <u>[Signature]</u></p>

Dear Sir:

In an Office Action dated December 12, 2003, the Examiner issued a Restriction Requirement with regard to the above-identified patent application. Generally, the Examiner indicated that claims 1-21 (Invention I) and claims 22-28 (Invention II) were directed to distinct inventions, each from the other. Further, with respect to the claims of Invention I, the Examiner has taken the position that claims 1-16 and claims 17-21 are directed to patentably distinct species of the invention. The Examiner has required an election be made as to which claims are to be examined.

The assignee, through its attorney, hereby elects the claims of Invention I, i.e., claims 1-21, for examination.


With respect to the species restriction requirement, the assignee respectfully submits that an election cannot be made because the claims that are identified in the Action as being

patentably distinct species of Invention I cannot be species. See MPEP §806.04(e). Further, since the application only discloses a single embodiment of the invention, it is submitted that no species restriction requirement is possible.

The assignee respectfully reserves the right to pursue claims to the non-elected invention in a divisional/continuation application.

Respectfully submitted,

HOLLAND & HART LLP

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